

**Desmond J. Collins, Esq., SBN 179732  
Steven R. Morasse, Esq., SBN 117693  
MORASSE COLLINS & CLARK  
A Professional Corporation  
1401 Dove Street, Suite 310  
Newport Beach, California 92660  
Tel: (949) 622-0600  
Fax: (949) 622-0601  
Email: [desmond@mcc-lawyers.com](mailto:desmond@mcc-lawyers.com)**

5 | Attorneys for Defendants

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JAMES ZARIAN,

CASE NO. 8:17-cv-94-AG-KES

**Plaintiff.**

## ANSWER TO COMPLAINT

vs.

The Honorable Andrew J. Guilford

INDUSTRIAL ENTERPRISES, a California limited partnership; CAMIE L. BOOKER; and DOES 1 - 10.

## Defendants.

Defendants INDUSTRIAL ENTERPRISES, a California limited partnership and CAMIE L. BOOKER (hereinafter "Defendants") hereby answer the Complaint for Damages and Injunctive Relief For Violations Of: American's With Disabilities Act; Unruh Civil Rights Act (hereinafter "Complaint") of plaintiff James Zarian (hereinafter "Plaintiff") on file in this action as follows:

1. Defendants admit the allegations in paragraphs 2, 3, 4 and 5 of the Complaint.

2. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraphs 1 and 6 through 31 of the Complaint and on that basis denies each and every allegation contained therein.

## **FIRST AFFIRMATIVE DEFENSE**

3. The Complaint fails to state a claim upon which relief can be granted.

## SECOND AFFIRMATIVE DEFENSE

4. The subject property is not a facility “open to the public” or a place of public accommodation and does not offer public parking spaces.

### **THIRD AFFIRMATIVE DEFENSE**

5. The building and improvements at the property complied with the applicable building codes.

## FOURTH AFFIRMATIVE DEFENSE

6. The removal of the alleged barriers is not readily achievable.

## **FIFTH AFFIRMATIVE DEFENSE**

7. The alleged violations are "technical violations" which eliminate or reduce any liability under California law.

WHEREFORE, Defendants pray for judgment against Plaintiff as follows:

1. That Plaintiff takes nothing by reason of its complaint, and that judgment be rendered in favor of Defendants;

2. That Defendants be awarded their costs of suit incurred in defense of this action; and

3. For such other relief as the Court deems proper.

Dated: February 24, 2017

MORASSE COLLINS & CLARK,  
A Professional Corporation

By: /s/ Desmond J. Collins  
Attorneys for Defendants  
Morasse Collins & Clark, APC  
1401 Dove Street, Suite 310  
Newport Beach, California 92660  
Tel: (949) 622-0600  
Email: [desmond@mcc-lawyers.com](mailto:desmond@mcc-lawyers.com)

## PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I, the undersigned, am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 1401 Dove Street, Suite 310, Newport Beach, CA 92660. I am employed by a member of the Bar of this Court at whose direction the service was made.

On February 24, 2017, I served the foregoing document(s) described as **ANSWER TO COMPLAINT** on the interested parties in this action by placing the same in a sealed envelope, addressed as follows:

Russell Handy, Esq.  
Phyl Grace, Esq.  
Center for Disability Access  
P.O. Box 262490  
San Diego, CA 92196-2490

XX (By U.S. Mail) – On February 24, 2017, I caused the above-described document to be delivered by U.S. Mail in a sealed envelope addressed to the address listed on the attached service list. I am readily familiar with the firm’s practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Newport Beach, California in the ordinary course of business.

(By Personal Service) - On \_\_\_\_\_, 2017, during normal business hours, I caused the above-described document to be delivered by hand in a sealed envelope to address listed above.

(By Overnight Courier) - On \_\_\_\_\_, 2017, I caused the above-described document(s) to be transmitted to the offices of the addressee(s) listed above by overnight courier (next day delivery).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

  
Rachel Laing